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# VICTIMS PLIGHT: NEED FOR GROWTH OF VICTIMOLOGY IN INDIA

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## I. ABSTRACT

The paper deals with the concept of victimology and discusses it in detail with the help of decided case laws both in abroad and in India. Victimology means “the scientific study of crime victims including the study of the relationship between victim and offender and of the consequences and effects of being victimized.” The article discusses about its history in different nations of world. Afterwards the paper deals about its development in India. Victimology and its role in the betterment of life of every victim as well as sometimes in life of offender has also been taken in consideration. Then it discusses about various provisions for victims that are given in different acts and statutes, CRPC mainly plays a very important role in victimology. The benefits derived to victims by implication of correct victimology procedure and laws provide them a better way to heal from these ruins of crime that are suffered by them. The Victimology also forms a part of Penology and this aspect has also been covered in this paper. India also suffers a lack of an act/ statue which is completely based on victimology. Only one section in CRPC i.e., 357A deals with this concept but in reality, at least half of CRPC should focus on the concept of Victimology, therefore the drawbacks of not having a victim-based statue and work needed to be done in this direction have been discussed. At last, the role of our Judiciary in promoting Victimology and Victim Compensation has been discussed with the help of latest as well as landmark judgements. The judicial pronouncements have always played a role in the favour of victims even when the offender is state.

## II. KEYWORDS

Victimology, Victim Compensation, CRPC, Human Rights, Statues

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### III. INTRODUCTION

Victimology is generally described as a scientific examination of victimization, which includes the connections between victims and perpetrators, and also the given interactions among victims and those working in the criminal justice system (police, the judiciary, and custodial officials). Links between survivors and other social groups and institutions, such as media outlets, enterprises, and social movements, are also included. Yet, the term victimology does not only refer to the examination of criminal victims; it may also refer to different types of human rights breaches that are not always crimes.<sup>2</sup>

In broad terms, the term "victim" describes someone who experiences suffering, loss, or difficulty as a result of any cause, including crime. As a result, victimology can be described as the study of those who suffer injury or misfortune owing to whatever reason. The physical, emotional, mental, or economic discomfort or harm may occur. As a result, the 'victim of wrongdoing' is the individual who endured pain at the command of the perpetrator of crime.

### IV. HISTORICAL PERSPECTIVE

Victimology, as may be dated down to the 1940s and its developers, particularly Mendelsohn initially, and then Von Hentig and Wolfgang, who frequently employed the phrase in reference to "hapless dupes who provoked their own victimization," or "victim precipitation."

- **Principles of Justice for Crime Victims and Power Abuse Adopted by the UN in (1985)**

The following categories were mentioned in the fundamental guidelines developed for Justice for Crime Victims under the UN Declaration (1985): -

- Access to justice and fair treatment are priorities,
- atonement,

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<sup>2</sup> Andrew Karman: *Crime Victims: An Introduction to Victimology* (Wadsworth Publishing Co Inc; 9th edition, 2015) P.7

- compensation, and
- assistance.

After that, in 1996, the European Forum for Victim Services published a declaration on the rights of victims during the criminal justice process. As a result, the Council of Europe's recommendations on helping the victims was adopted in June 1986.

- **Development In Different Countries -**

- In 1964, England passed the Criminal Injuries Compensation Plan, perhaps being the very first nation to do so, ensuring the civil rights of those injured by crime and offering state-funded victim reimbursement. The Criminal Justice Act of 1972 established a system of compensation paid by the accused person. It gave courts the jurisdiction to impose an additional order of payment in addition to the primary penalty when there was injury, loss, or damage. The Criminal Justice Act of 1982 then enlarged the scope of compensatory remedy even more. It obliged the courts to consider making an order for compensation in all instances of death, injury, loss, or harm, and in the absence of such a decree, the courts were compelled to record the facts.<sup>3</sup> The role of compensation was further enlarged under the amendment made in the Criminal Justice Act in 1991.
- The French criminal justice system allows for the imposition of all parties who sustain losses or injuries as a result of criminal activity as parties from the very beginning of the investigation phase. If they discover that the investigation is being needlessly delayed or misrepresented, they may ask the court for appropriate action. From the perspective of bolstering the evidence, it is thought that the victim's participation in the criminal procedures is required. Also, since the victim may object or, if the victim has passed away, his or her legal representatives may petition the court on the victim's behalf, it may serve to eliminate the potential of an unjustified withdrawal or closure of the case on irrelevant or tenuous grounds. Even

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<sup>3</sup> Mike Maguire, Rod Morgan, (eds.) *Oxford Handbook of Criminology* (Oxford University Press, 4<sup>th</sup> ed., 2007) pp. 1237-38

the registered welfare organizations may get themselves impleaded in case of victims of rape or sexual offences or where the victim is a child.

- In the case of *Payne v. Tennessee*<sup>4</sup>, For the very first time, the Supreme Court of the United States recognized the rights of victims of crime at the punishment portion of the trial. It marks the beginning of judicial recognition of victims' rights and the need for justice, that is restorative on behalf of them. It is widely recognized as a vital part of the American criminal justice process. Following the criminal's conviction, a victim impact panel is formed, in which the victim of the crime (or the immediate family of a dead victim) talks with him in order to discuss the ramifications of the act and seek restoration.
- Victims of Crime Act, 1996 - The Victims of Crime Act was passed by Canada in 1996 with the intention of granting victims of crime access to the court system. The Act, among other things, stipulates that
  - ❖ Criminal victims should be treated with respect and compassion, and
  - ❖ Their privacy and dignity shall be upheld.
  - ❖ Victims should be promptly compensated financially for any suffering or injury they have sustained as a result of criminal activity, and they should also be made aware of and have access to resources such as social, medical, legal, and mental health support.
  - ❖ It is important to keep victims of crime informed on the status of the investigation and prosecution of the crime, court procedures, the victim's role in the case, and the outcome of the case.
  - ❖ Victims have the right to bring their opinions and concerns before the court when their personal interests are at stake.

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<sup>4</sup> 51 US 908 (1991)

## V. DEVELOPMENT IN INDIA

- **Victimological Developments in Indian Criminal Law Jurisprudence -**

The Law Commission of India had become aware of the unfulfilling situation about the preservation of crime victims' rights in comparison to the rest of the world, and as a result, it proposed in its 152nd Report (1994) and 154th Report (1995) the inclusion of regulations for compensating relief to crime-victims under Indian criminal law and procedure. (1996).

In its 154th Report on the Code of Criminal Procedure in 1996, the Law Commission of India devoted an entire chapter to "Victimology," wherein the increasing significance of victims' rights in criminal procedures was discussed in length. The Commission noticed that criminal justice reformers, criminal justice scholars, and penologists are increasingly focusing on victimology, victimization avoidance, and safeguarding victims. Crime episodes frequently result in genuine injury to persons rather than only symbolic harm to the social fabric. As a result, victims' requirements and rights should be prioritized in the overall response to crime. Remuneration to sufferers of crime is one internationally acknowledged technique of protecting victims.<sup>5</sup>

- **Justice Mali Math Committee Report (2003) -**

Justice Mali Math Committee Report on victims of Crime and reforms in Criminal Justice System (2003), inter alia observed:

" Historically, the system of justice appears to exist to safeguard the authority, advantage, and ideals of society's elites. The way offenses are defined and the criminal justice system operates, demonstrates that the view holds some truth even in modern times. However, the principal role of criminal justice has been projected since its inception to be safeguarding all people from injury to their person or property, with the

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<sup>5</sup> *Suresh And Another v. State of Haryana*, A.I.R 2015 SC 518 (Para 47)

idea that this is the main responsibility of the State within the rule of law.... The field of criminal justice evolved to understand everything about crime and criminals, the way they are dealt with, the method of proving their guilt, and the final repercussions meted out to them."

The Committee found no credible reason for the provision in the Code of Criminal Procedure, 1973 that compensation could be awarded only if the offender has been convicted of the offence with which he is charged.

## **VI. RIGHTS OF VICTIMS OF CRIME AND ABUSE OF POWER**

The rights of victims of crime include-

- The right to access justice and fair treatment comprises the rapid redress, an inexpensive and fair judicial trial process, informed rights, the inclusion of mediation and arbitration, etc.
- The right to restitution entails providing victims, their relatives, or dependents with reasonable and just compensation, replacing communal facilities, and paying for relocation fees in cases when the harm causes a community to be uprooted.
- Right to compensation: The State shall pay compensation if it cannot be fully recovered from the perpetrator or other sources. Victims who experienced serious physical harm or a decline in physical or mental health as a result of the crime are entitled to monetary compensation. The establishment of National Funds for the recompense of Crime Victims was also recommended in the U.N. Declaration of 1985.
- Right to Assistance - Such assistance may take the form of necessary material, medical, psychological, or social assistance through governmental, voluntary, community-based, or indigenous means; the availability of health and social services, as well as other relevant assistance; the services of police, justice, health, and social service

personnel, as well as other concerned personnel; and training to make these services aware of their responsibility to victims.

#### Victims of Abuse of Power -

The term "abuse of power" denotes actions or inactions that do not violate the criminal code but are still acknowledged to have been taken by those in positions of authority in violation of human rights principles. Victims of abuse of power are individuals or groups of individuals who have suffered harm as a result of the abuse of power by authorities, including bodily or mental harm, emotional anguish, economic loss, or significant impairment of their fundamental rights.

## VII. IMPACT OF VICTIMIZATION -

The impact of crime on the victim may be physical, financial, or psychological.

- **Physical Impact** - The crime that the victim was a victim of is likely to cause him to have a few physical reactions. They include things like high blood pressure, faster heartbeats, numbness, grief, melancholy, etc. When someone commits a crime against them, they must decide whether to "fight or flight," that is, to resist the offender and put up a battle or to submit and fall victim to his unlawful act. Many times, the victim may not experience a physical reaction until the threat or danger has passed, at which point the victim may experience a mental trauma as his memories come back, and he or she may continue to experience anguish or shock for the rest of his/her life.
- **Financial Impact** - Any one or more of the following may have a negative financial impact on the victim as a result of the crime: -
  - ❖ Destruction to possessions or property, and
  - ❖ Expenses and costs related to medical care for physical injuries:
  - ❖ The expense of going to court to fight the crime and the criminal, i.e., the perpetrator.
  - ❖ The cost of lost wages or employment:



- ❖ All associated costs for a funeral or burial
  - The victim may need to relocate or change locations occasionally for security or other reasons. If that is the case, he will have to be entitled for given additional moving expenses in addition to the cost of relocating.
- **Psychological impact** - Whereas the dread of being caught in the act depends on the victim. After the crime is committed, the victim experiences shock and mental distress before regaining consciousness and remembering how he was harmed. He becomes so depressed that he loses self-esteem and confidence, and life appears to have no purpose for him.

The behavioral responses of the crime victim clearly reflect the psychological effects of victimization, which may include increasing drunkenness, excessive drug use, segregation of social ties, avoidance of human interaction, social withdrawal, and other behaviors. Nonetheless, some victims may be able to move over their anguish and shock and resume their normal lives with time<sup>6</sup>.

## VIII. RESTORATIVE JUSTICE FOR CRIME VICTIMS

The concept of restorative justice is woven around four major themes, namely (1) Restoration; (2) Accountability; (3) Community Protection; and (4) Skill development.

- **Restoration** - It indicates help and support to victim of crime, whether the culprit is found and arrested or not. The community's restorative efforts help the victim return to a normal life in society. Restoration of the offender to the community is another aspect of the restorative process, which involves getting the offender to recognize and admit the hurt or injury he caused the victim and demonstrate a willingness to take responsibility for his wrongdoing and make amends. Hence, restorative justice places equal emphasis on the rehabilitation of both the victim and the offender. It also encourages the offender to

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<sup>6</sup> Weisaeth & I. Lind, article in proceedings of the 2nd International Conference held in Swedish Défense Research Institute, Stockholm 1990.p. 1707.

understand the effects of his crime on the victim and to make amends for whatever harm or loss the victim has suffered as a result of the crime.

- **Accountability** - Through the victim-offender mediation process<sup>7</sup>, the offender comes to terms with the negative effects of his criminal conduct on the victim and makes amends with them as well as with the community. The victim is soothed by the offender's accountability and admission of guilt, which helps them get over the pain and misery brought on by being victimized. It is a constructive strategy that encourages communication between the perpetrator and the victim.
- **Community Protection** - The best opportunity for the offender to mend themselves and direct their energies toward constructive endeavors are provided by community surveillance. The victim immensely benefits from the protection and assistance of the community in his return to normal life. putting the past (victimization) behind us and focusing on the promising future. It gives him the moral fortitude he needs to bear the pain and effects of his abuse.
- **Skill development** - Vocational training gives victims and offenders the chance to learn new skills that could aid in their recovery and rehabilitation. A key component of the restorative justice system is competency of development programs.<sup>8</sup>

## IX. RELATIONSHIP BETWEEN PENOLOGY AND VICTIMOLOGY-

It must be acknowledged that criminology is a subfield of criminal science that focuses on the social analysis of criminal activity. It seeks to identify the causes of crimes and develop efficient defenses against them. Penology examines the many ways of punishing and rehabilitating criminals as well as the care, custody, treatment, prevention, and control of crime.

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<sup>7</sup> This was Successfully Tried in France in 1993 and in Germany 1994

<sup>8</sup> N.V Paranjape *Criminology and Penology ( including Victimology )* (Central law publication, 18th ed. 2022)

The main goal of victimology is to secure justice for the many issues that crime victims must deal with. It covers the rights and grievances of crime victims and their relatives. The goal is to lessen crime victims' suffering by offering them relief in the form of compensation and other forms of assistance.

The policies which are postulated by these three branches i.e., criminology, penology, and victimology are implemented through the agency of criminal law. Broadly, all these taken together constitute the subject-matter of criminal science<sup>9</sup>.

## X. VICTIMS OF CRIME - INDIAN POSITION

Under Section 2(wa) of the 1973 Code of Criminal Procedure, the term "victims of crime" is defined. India's criminal justice system initially placed more emphasis on punishment as a result of the crime than it did on the pain that crime victims endured. Even after being found guilty, inmates' rights continued to be upheld, while little attention was paid to the rights of crime victims. Social activists, however, brought this gap in the current criminal justice system to the attention of the higher courts with the formation of public interest litigation. and the courts began providing restitution to crime victims, but comprehensive legislation on this area of criminal justice was still pending.

Expressing concern for the plight of victims of crime Justice V.R. Krishna Iyer commented "the criminal law in India is not victim oriented and the suffering of victim, often immeasurable are entirely overlooked in misplaced sympathy for the criminal. Though our modern criminal law is designed to punish as well as reform the criminals, yet it overlooks the by-product of crime i.e., the victim."<sup>10</sup>

The Supreme Court has often reaffirmed<sup>11</sup> that even when incarcerated, a prisoner retains all his fundamental rights, including the right to life protected by Article 21 of the Constitution, whether he is a convicted fellow, an undertrial, or a detenue. As a result, even after being found guilty and being imprisoned, he cannot have his right

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<sup>9</sup> Lifting the veil on the scope of penology available at: ([https://blog.ipleaders.in/lifting-the-veil-on-the-scope-of-penology/#Relationship\\_between\\_penology\\_and\\_victimology](https://blog.ipleaders.in/lifting-the-veil-on-the-scope-of-penology/#Relationship_between_penology_and_victimology), last visited 28<sup>th</sup> March 2023)

<sup>10</sup> V.R. Krishna Iyer: *Access to Justice- A Case of Basic Change* (B.R. Publication Corporation, 1991) p.14

<sup>11</sup> *Sunil Batra v. Delhi Administration* (1979) 1 S.C.R. 392

to liberty violated in accordance with the legal process. But other than from providing with monetary recompense in some circumstances, no such concern is shown for the unfortunate crime victim who is left to deal with the effects of his victimization.

- **Compensatory Provisions in Cr.P.C-**

The trial court has the authority to compensate victims of crime through Subsections (1) as well and (3) of Section 357 of the Criminal Procedure Code, while the party appealing and the revisional court have similar jurisdiction under Subsection (4) of Section 357 of the Criminal Procedure Code. (4). The Court could set apart all or a portion of the monetary penalty imposed on the Criminal for reimbursement to the Victims of Crimes.

The compensation mandated by Section 357(1) may include costs, damage or injury sustained, loss brought on by death, or monetary loss brought on by theft or property destruction, among other things.

In addition, Section (3) gives the court the ability to require the offender to compensate the victim of his crime even if no fine has been imposed on offenders.

It is significant to note that a new Section 357-A has been inserted by Cr.P.C(Amendment) Act, 2008 (5 of 2009) with effect from December 31, 2009, which envisages Victim Compensation Scheme. The section reads as under:

"357-A. Victim Compensation Scheme -

(1) Every State Government, in collaboration alongside with the central government, will devise a plan for allocating money to compensate victims or survivors who have incurred harm or suffered losses as a consequence of the offense and require restoration.

(2) When the Court recommends reimbursement, the District Legal Service Authority or the State Legal Authority will choose the amount of damage to be paid within the plan mentioned to in sub-section (1).

(3) If, at the completion of the hearing, the trial court determines the financial assistance given under Section 357 is insufficient for such rehabilitation efforts, or

if the proceedings terminate in acquittal or release and the victim has to be recovered, it can make an order for damages.

(4) If the criminal is not tracked down or recognized, but the victim is, and no court proceeding is held, the victim or those closest to him may apply to the State or District Legal Services Authority for restitution.

(5) Upon acceptance of such suggestions or a request under subsection (4), the State or District Legal Services Authority will, following appropriate investigation, provide sufficient reimbursement by concluding the investigation in a period of two months.

(6) To lessen a victim's suffering, the State or District Legal Services Authority, as the situation may be, may order that first aid supplies or medical assistance be made accessible free of charge on a certificate of the law enforcement officer not below the position of the officer in charge of the police department or the magistrate of the region concerned, or any other temporary assistance as the appropriate governing body may deem fit. "The section's scheme is a progressive attempt to alleviate the plight of victims of crime and provide them with rehabilitative relief."<sup>12</sup>

The Code also offers compensatory relief to anyone who have been wrongfully detained or arrested by the police without justification<sup>13</sup>.

If an accused person is found guilty of a non-cognizable offense based on a complaint, the court may compel him to pay the complainant's costs or, in the event of default, sentence him to simple imprisonment for a term not to exceed 30 days.<sup>14</sup>

The court may order the attachment or sale of the offender's moveable property for its collection as arrears of land revenue, if required, in the event of recovery of the amount of fine, of which the whole or a portion must be provided as compensation to the victim.

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<sup>12</sup> Section 357 A Cr.P.C

<sup>13</sup> Section 358 (1) Cr.P.C

<sup>14</sup> Section 359 (1)

- **Compensation under Probation of Offenders Act, 1958 -**

In accordance with Section 5(1) of the Act, the Probation of Offenders Act of 1958 also includes provisions for compensatory remedy for crime victims. The section states that the court may, if it sees fit, further order the accused to pay the victim such compensation as the court thinks reasonable for the loss or injury caused to the latter, as well as the costs of the proceedings, in addition to directing the offender's release under Section 3 or Section 4 of the Act.

- **Compensation to victim under Motor Vehicle Act, 1988 -**

According to Section 5 of the Motor Vehicle Act of 1988, those who have been injured in auto accidents, or their legal representatives in the event that the victim has died, have the right to sue the responsible party for damages. Nonetheless, the trial court alone possesses the authority in this matter.

In the case of *Munusamy & Ors. v. M.D. T.N. Transport Corporation. Ltd. Villupuram*<sup>15</sup>, the deceased was 21 years old and was traveling from Tambaram to Chengalpeth on a motorcycle with a buddy as his passenger on March 3, 2007, in the year 2007. He ran into a respondent's bus that had been recklessly and carelessly operated. The deceased was single and making Rs. 4,000 per month as a contract worker for Hyundai Motor Company.

Invoking its prior ruling in *National Insurance Co. Ltd. v. Pranay Sethi*<sup>16</sup>, the Supreme Court permitted the following additional compensation: -

- a) i) An extra 40% of the established income if the deceased person was under 40 years old. (Established income is income less any tax-related components).
- ii) an additional 25% where the age is between 40 and 50 years; and
- iii) an additional 25% where the age is between 50 and 60 years.
- b) Loss of dependency @ 50% of monthly income x 12 x 18
- c) Loss of passion and love: 6,000;

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<sup>15</sup> (2018) 2 S.C.C. 765

<sup>16</sup> A.I.R. 2017 S.C. 5157

d) Transportation: 5,000;

e) funeral: 2,000; and

f) loss of estate: 2,500.

According to Sections 166, 168, and 173 of the Motor Vehicle Act of 1988, the aforementioned compensation must be paid.

- **Compensation for SC/ST victims of Crime Raised-**

By increasing the minimum compensation for victims of crime who belong to a Scheduled Caste or Scheduled Tribe and more than doubling the categories of offenses, the Central Government has made a significant contribution to the welfare of Dalits. The Central Government issued a notification modifying the SC/ST (Prevention of Atrocities) Regulations of 1995 on April 14, 2016, the 125th anniversary of the birth of Dr. Bhim Rao Ambedkar. This notification took immediate effect.

The Announcement outlines 47 types of offences for which the government must reimburse survivors of SC/ST offences with amounts that vary between Rs. 1 lakh to Rs. 8.25 lakhs.

Previously, only 22 violations with a minimum award of Rs. 60,000 to Rs. 5 lakhs were listed. The State must pay the increased sums within a week after the occurrence, in full or at different points of the inquiry and trial, in line with the schedule.

According to the notification, any purposeful touching of a SC/ST woman against her permission, bullying, sexual misconduct, or sexual abuse will henceforth result in reimbursement of Rs. 2 lakhs, while victims of rape will receive Rs. 5 lakhs. Previously, a Rs. 1.2 lakh fine was levied for outraging modesty of SC/ST women or sexually exploiting her.

## **XI. LANDMARK CASE LAWS ON DEVELOPMENT OF VICTIMOLOGY IN INDIA-**

- The Supreme Court stated the elements that courts ought to consider while ordering the reimbursement or compensation to victims of crimes in *Sarwan Singh v. State of Punjab*<sup>17</sup>. These factors involve the suspect's ability to pay, the nature of the crime, the sort of injury suffered by the victim, the general effect of the offense on a victim's personal and domestic life, and any mental or financial harm caused to the victim. The total amount of compensation needs to be equitable, based according to the Court's ruling, considering all relevant facts, situations, and the authenticity of the victim's claim. The person charged must be given sufficient time to pay the reimbursement, which may be ordered to be given in stages if needed.
- The Supreme Court stated in *Bhim Singh v. State of J&K*<sup>18</sup> that "Remuneration for unlawful detention and arrest is a domain in which novel ideas associated with compensating jurisprudence within India have been discovered." The plaintiff in the present instance was a member of the J&K Legislature Assembly and was held by the police while traveling to the Assembly session in conjunction with the local A.D.M. He was illegally and intentionally detained in custody by the police following his detention, preventing him from joining the House Session. By allowing the appeal, Supreme Court, Justice Chinnappa Reddy stated that when an individual has been wrongfully detained and detained, and their statutory and constitutional liberties have been infringed, the illegality and intrusion are not erased by the individual's release. Compensation for the victims can be ordered by the court. Therefore, the State was required to pay the petitioner Rs. 50,000 as compensation for the violation of his civil or constitutional freedoms.
- In *Phoolwati v. NCT. Delhi*<sup>19</sup>, the court gave the deceased man's wife compensation in the amount of three lakh rupees for the death her husband suffered while in police custody.

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<sup>17</sup> 1957 SCR 953

<sup>18</sup> A.I.R. 1986 S.C. 498

<sup>19</sup> 2000 Cri.L.J. 1613 (Del.)



- The Supreme Court stressed the need to develop new tools and shape remedies for harm done to crime victims in the case of *Nilabati Behera v. State of Orissa*<sup>20</sup>. In this case, the petitioner sought compensation for the death of her 22-year-old son while he was being held by the police in Orissa's District Sundergarh. The State Government argued on behalf of the police that the deceased had escaped from police custody and was being pursued by the police party when he was struck by a train. As a result, it was not a death in custody. However, the Supreme Court dismissed the Government's argument since there was insufficient proof that the accident caused the death and instead granted a 1.5 lakh rupee compensation to mother of deceased i.e., petitioner.
- The Supreme Court was asked to rule in the case of *State of Maharashtra v. Christian Community Welfare Council of India*<sup>21</sup> on whether the State's payment of the victim's compensation can be recouped from the responsible officer. Speaking for the court, Judge Hedge stated that it would depend on whether the alleged wrongdoing by the officer in question occurred while doing his official duties and whether it was within or outside the bounds of his legal authority. If it is determined that the officers of the appellant company did in fact cause the victim's death and went beyond their legal power, they will be held responsible for paying compensation to the victim's heirs.

The District Collector of Coimbatore had recommended that the State Government pay Rs. 33.19.003/- as compensation to those families of Sikhs and other residents of Coimbatore who were victims of arson and rioting after the assassination of the former Prime Minister of India, Shri Rajeev Gandhi. This was in the case *R. Gandhi v. Union of India*<sup>22</sup>. The High Court of Madras, upheld the order of the District Collector. Justice S.A. Kadar of the Court observed:

"Legally and morally by all canons of fair play, by all principles of justice, equity and good conscience, the State of Tamil Nadu is bound to pay

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<sup>20</sup> (1993) 2 S.C.C. 746

<sup>21</sup> A.I.R. 2004 S.C. 7 (Para 10)

<sup>22</sup> (2004) Cri.L.J. 510 (Mad.)

compensation to victims as assessed and recommended by this senior officer i.e., the Collector of Coimbatore."

- The Apex Court ordered the Delhi government to pay Rs. 75,000 as exemplary compensation to the mother of a nine-year-old kid who died as a result of beating by police officer while obtaining information from him regarding the offense in the case of SAHELI<sup>23</sup> (a women's social activist organization). The landlord (homeowner) in this case attempted to evict the appellant (mother of the deceased son) from his home, and it was claimed that the police were siding with the landlord.

## XII. CONCLUSION -

The paper in general indicates that Victimology is a novel field that emerged in the 1940s. Growth began at the same period in all industrialized countries including in India, but advanced nations such as the United States and Canada have performed significantly better in this area. Victimological science has an important effect on both the victim's and offender's brains. Only a small number of acts provide reimbursement in certain specific situations in India, and just Section 357 A of Cr.P.C regulates the system of Victim Remuneration in India, and the Judiciary has served a significant part in the creation of compensated and victimological jurisprudence.

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<sup>23</sup> SAHELI v. Commissioner of Police, Delhi, A.I.R. 1990 S.C 513

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